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SEP 03 2004

**SMART & BIGGAR***Intellectual Property & Technology Law*

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Page 1 of: 15

Attention: Examiner Steven Blount  
Group Art Unit 2661P.O. Box 2999, Station D  
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From: SMART &amp; BIGGAR

Your file no.: 09/739,367

Date: September 3, 2004

Reply to Ottawa file no.: 77682-250

Time:

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<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>				<b>Docket No.</b> 77682-250 /slb	
Applicant(s): <b>DAVID STEER, ET AL</b>					
Application No. 09/739,367	Filing Date 12/19/00	Examiner Steven Blount	Customer No. 07380	Group Art Unit 2661	Confirmation No. 3293

Invention: **ENHANCED ARQ WITH OFDM MODULATION SYMBOLS**

**COMMISSIONER FOR PATENTS:**

Transmitted herewith is an amendment in the above-identified application.  
The fee has been calculated and is transmitted as shown below.

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	29 -	29 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	11 -	11 =	0 x	\$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_
- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 19-2550
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
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James McGraw  
Reg. No. 28,168

*Signature*

Dated: September 3, 2004

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**CENTRAL FAX CENTER****SEP 03 2004****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/739,367  
Applicant : DAVID STEER, ET AL  
Filed : December 19, 2000  
TC/A.U. : 2661  
Examiner : Steven Blount

Confirmation No. 3293

Docket No. : 77682-250  
Customer No. : 07380

Commissioner for Patents  
Alexandria, VA 22313-1450  
U.S.A.

Dear Sir:

In response to the Office action dated June 4, 2004, Applicant submits the following remarks:

**REMARKS****Rejection of Claims 1, 3 to 5, 7 to 9, 11 to 13, and 15**

In paragraph 2 of the Detailed Action, the Examiner has rejected claims 1, 3 to 5, 7 to 9, 11 to 13, and 15 under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,512,758 (Sato *et al.*) in view of United States Patent No. 6,603,826 (Cupo *et al.*) and Applicant's admitted prior art. Given below is a brief description of the present invention and of the Sato *et al.* and Cupo *et al.* references, together with a detailed discussion on how claims 1, 3 to 5, 7 to 9, 11 to 13, and 15 are patentable over the Sato *et al.* reference, the Cupo *et al.* reference, and Applicant's admitted prior art.

**The Present Invention**

In an embodiment of the invention a method is implemented by a remote unit in a radio communication systems which employs Orthogonal Frequency Division Multiplexing. The

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